ADDITIONAL PROOF

IN THE

L I B E L

BEFORE THE PRESBYTERY OF KIRKCUDBRIGHT,

AT THE INSTANCE OF

JAMES KIRKPATRICK and others, Elders and Heads of Families in the Pariſh of Girthon;

AGAINST

The Reverend Mr. JOHN M'NAUGHT, Miniſter of the Goſpel in the Pariſh of Girthon, and Preſbytery of Kirkcudbright.

DEFENDER's PROOF CONTINUED.

At Caſtle Douglas, the twenty-ninth day of March one thouſand ſeven hundred and ninety-three years.

IN preſence of the Rev. Meſſrs. Thomas Halliday and John Johnſtone, commiſſioners appointed by the preſbytery of Kirkcudbright, for taking the depoſition of Anne Gordon in this place, an exculpatory witneſs for the Rev. John M'Naught, in the proceſs now depending betwixt him and James Kirkpatrick in Gatehouſe, and others, A

A COMPEARED

A COMPEARED the ſaid ANNE GORDON, ſpouſe of Samuel M'Naught, aged eighteen years and upwards, who being ſolemnly ſworn, purged of bribe, malice, and partial counſel, and interrogate, depones, That ſhe was preſent along with the Reverend Mr. M'Naught at the wedding of James Bell and Janet M'Naught in High Creoch. Being interrogated, depones, That ſhe does not re-
B collect that the defender haſtened the bridegroom and his company to come to the marriage. Being farther interrogated, depones, That ſhe did not obſerve the defender to have been carried to Mr. M'Coſkrey's door, nor to have been aſked to drink there by James Kirkpatrick, or by any other perſon. And farther depones, That having gone on before the reſt of the company to call at her father's
C houſe in Gatehouſe, ſhe had no acceſs to know whether the company ſtopped at M'Coſkrey's to drink or not. And being further interrogated, depones, That on return from celebrating the marriage at High Creoch, ſhe did not obſerve James Kirkpatrick inſiſt on the defender to go to the Miln of Barley to drink ſpirits, and that ſhe did not hear the defender refuſe to drink there, nor hear
D him expreſs a deſire to go to viſit Mr. Paterſon or to go home. Depones, That ſhe recollects there was a fall of ſnow on the night of the wedding, but does not know what cauſe prevented the defender from going home. Being further interrogated, depones, That after the defender had been abſent from the company for ſome time viſiting, as ſhe was informed, the Rev. Mr Paterſon,
E then on his death-bed, he returned to the company, and dined on a tea-dinner along with the deponent and others, and converſed with her on the occaſion. Depones, That ſhe did not obſerve James Kirkpatrick put any thing into the defender's tea-cup, nor does it conſiſt with her knowledge that any perſon obſerved him do ſo. Being interrogated, depones, That the defender did not re-
F turn from Mr. Paterſon's as aforeſaid, till William Bell, and many others, had finiſhed their dinner: That after he (the defender) ſat down to dine, William Bell had occaſion to be frequently in the room, but the deponent does not recollect in what room the ſaid William Bell dined. Being further interrogated, depones, That when the defender came into the room to dinner, he appeared to
G be a little the worſe of liquor, but did not at that time behave abſurdly. Depones, That ſhe cannot write. *Cauſa ſcientiæ patet.* And all this is truth, as ſhe ſhall anſwer to God.

(Signed) *Thomas Halliday.*
John Johnſtone.

What

What is above written by the ſaid John Johnſtone on this and A
the two preceding pages, is the report of the commiſſion granted
on the eighth current to us. In witneſs whereof, we have ſub-
ſcribed theſe preſents time and place foreſaid.

(Signed *Thomas Halliday.*
John Johnſtone.

At Kirkcudbright, the third day of April one thouſand B
ſeven hundred and ninety-three years.

Preſbytery of Kirkcudbright, ſederunt as per book.

The libellers of the Rev. Mr. John M'Naught appeared by John Thomſon, writer in Kirkcudbright, and the defender was brought to the bar attended by John Smith, his agent.

The Reverend Dr. JOHN SCOTT, miniſter of the goſpel at C
Twinholm, who being ſolemnly ſworn, purged of malice, partial
counſel, and examined, depones, That he has been acquainted
with the defender ſince, ſome time betwixt the year 1754 and 1758:
That the deponent attended ſome years in the Divinity-hall, and
ſome other claſſes in the Univerſity of Edinburgh, alongſt with the
defender: That during this time the defender received particular D
marks of eſteem from the profeſſors and his fellow ſtudents: That
after the deponent left the Univerſity, his acquaintance with the de-
fender was ſuſpended until the year 1763: That in the year 1763,
the late Dr. Jamieſon, miniſter of Rerwick, in the deponent's pre-
ſence, requeſted the defender to allow him to propoſe him upon
trials to the preſbytery of Kirkcudbright, which the defender re- E
fuſed: That the deponent had an occaſional acquaintance with the
defender from the foreſaid year, till ſome time before the defender
paſſed his trials, having ſometimes met him upon the road, and
ſometimes in the houſe of Mr. Brown of Barharrow, and the depo-
nent thinks he once viſited the defender at his houſe in Balmae:
That during this period, though the deponent's intimacy with the F
defender was pretty much interrupted, yet he ſtill regarded him as
a friend: That the deponent had occaſion to ſee the defender more
frequently after the defender became a candidate for being a mem-
ber of the General Aſſembly, and had deſign of paſſing upon trials:
That the deponent was a member of the ſynod of Galloway, and
alſo of the General Aſſembly, alongſt with the defender, before the G

defender

A defender was licenſed: That the defender and the Reverend Dr. Hunter were correſpondent members from the ſynod of Dumfries at a ſynod of Galloway, when a cauſe came before them reſpecting an individual having required to withdraw his ſubſcription from the Confeſſion of Faith: That the ſynod of Galloway were extremely well pleaſed with the aid and aſſiſtance they received at B that time from the ſaid correſpondent members: That at Mr. M'Naught's ſettlement, and a little before it, and ſome time after it, the deponent's intimacy with the defender was renewed, but that for theſe ſome years bypaſt, except aſſiſting at the ſacraments, and meeting him at preſbyteries, and occaſionally upon the road, he has had no more acquaintance of the defender than any other C member of preſbytery: That it conſiſts with the deponent's knowledge, that upon the plan for having a helper eſtabliſhed in the pariſh of Girthon being propoſed, the defender readily agreed to it, and behaved properly upon that occaſion: That it was then propoſed in private to the defender, in order to promote the peace of Girthon, that the helper ſhould preach the action ſermon at the D ſacraments in that pariſh, which the defender readily went into: That as far as the deponent recollects, when he aſſiſted at the ſacraments in Girthon, Mr. M'Naught behaved with propriety: That the deponent introduced the defender into the church of Girthon, and was preſent at Anwoth when the defender preached a diſcourſe upon brotherly love upon the Monday after a ſacrament, which E the deponent has heard gave offence to the pariſhioners of Girthon; and the deponent has ſome confuſed remembrance, that, in his opinion, he thought ſome part of the diſcourſe might have been ſpared, as having a tendency to increaſe the heat that ſubſiſted betwixt the defender and his pariſh, but that in other reſpects it was a very good diſcourſe, and that the ſaid diſcourſe might have been F the ſame which the defender preached when he was introduced into the church of Girthon, but the deponent does not recollect whether it was ſo or not: That during the deponent's acquaintance with the defender, ſo far as he recollects, he never heard him curſe or ſwear, nor ſaw him drunk: That the deponent ordained Mr. Thorburn as the defender's helper, who was ſettled upon an appli- G cation from the pariſh of Girthon, in which the defender readily acquieſced: That ſo far as the deponent knows, Mr. Thorburn was ſettled upon the ſame terms with the late Mr. Paterſon, though there might have been ſome difference betwixt their emoluments: That the deponent was at the dinner given upon the occaſion of Mr.

Mr. Thorburn's ſettlement, and continued for two or three glaſſes after dinner: That it does not conſiſt with the deponent's knowledge that Mr. M'Culloch of Ardwall deſired Mr. James Thomſon, brother to Mr. John Thomſon, one of the libellers, to take care of the defender upon that occaſion. Being interrogated, If he ever obſerved any thing immoral or improper in the conduct of the defender during the courſe of their acquaintance? depones, That during ſuch a long period, he cannot ſay but ſome things might have been ſaid by the deſender, and the deponent alſo, which might have been as well unſaid; but he does not recollect any immorality in the defender's conduct while he the deponent was preſent: That the deponent, when in company with the defender, has heard him ſing, and deſired him to do ſo, both in private and public houſes. Being interrogated for the libellers, depones, That for ſome years bypaſt he has not been in the ſame habits of intimacy, nor had that connection with the defender which he has had with the other miniſters of the preſbytery: That he has had little or no opportunities of being in the defender's company, except at ſacraments, meeting of preſbytery, or other occaſional meetings ſince the year 1784, nor has he had any particular occaſion to know Mr. M'Naught's character and conduct in his own pariſh, either as a miniſter or individual ſince that period, that the defender aſſiſted ſometimes at the deponent's ſacraments after he was ſettled in Girthon; but he has not given the deponent any aſſiſtance upon theſe occaſions for theſe ſome years, ſince he went and ſtaid about a year in Edinburgh: That for ſome years paſt the deponent has not ſeen the defender aſſiſt at any ſacraments except thoſe in the pariſh of Girthon: That when Mr. M'Naught was a correſpondent member from the ſynod of Dumfries, alongſt with Dr. Hunter as above, he the defender was either under trials as a probationer, or recently licenſed. Being interrogated for the defender, depones, That ſome years ago the defender was preſent at a wedding at Conchieton alongſt with the deponent and the late Mr. Forbes miniſter of Borgue, upon which occaſion the deponent ſaw nothing improper in the defender's conduct; and that the deponent's manſe is about five miles diſtant from manſe of Girthon. *Cauſa ſcientiæ patet.* And all this is truth, as the deponent ſhall anſwer to God. (Signed) *John Scott.*

James Thomſon, Moderator.

A The defender produced an extract of citation *pro tertio* againſt Alexander Brown in Clauchan of Enrig, which being called,

Compeared the ſaid Alexander Brown, aged 40 years, who being ſolemnly ſworn, purged of malice, partial counſel, and examined, depones, That it may be about twenty years ſince the deponent ſaw the defender, but he never was acquainted with him: That the de-
B ponent's houſe at Clauchan of Enrig is about three or four hundred yards diſtant from manſe of Girthon: That the deponent went to Clauchan of Enrig at Whitſunday 1788. Being interrogated, Whether or not it conſiſts with the deponent's knowledge that the defender conducted himſelf as a good neighbour, a good moral man, and was not addicted to drinking, curſing, or ſwear-
C ing? depones, That the defender was always a good enough neighbour to the deponent, and he never ſaw him drunk, nor heard him curſe or ſwear: That the deponent can ſay nothing as to the defender's mode of living in his own family: That the deponent was never witneſs to any vice or act of immorality upon the part of the defender; that the deponent rents the farm of Clauchan of
D Girthon at one hundred and twenty pounds a-year. Being interrogated for the libellers, depones, That he never had any communication with the defender as miniſter of the pariſh of Girthon, and that he never had any tranſactions or dealings with him in the way of buſineſs: That the deponent had never occaſion to know any thing of the defender's moral conduct, either from dealing with
E him himſelf, or a knowledge of his dealings with others. *Cauſa ſcientiæ patet.* And all this is truth, as the deponent ſhall anſwer to God. (Signed) *Alexander Brown.*

James Thomſon.

F The proof being now cloſed, the preſbytery declared the ſame concluded, and appoint parties to be heard upon the import thereof againſt next ordinary meeting of preſbytery, which is hereby appointed to be held at Kirkcudbright upon the firſt Wedneſday of May next, when the preſbytery reſolve to pronounce judgment upon the cauſe. And the members of preſbytery are hereby ſum-
G moned *apud acta* to attend.

(Signed) *James Thomſon*, Moderator.

Queſtions

Queſtions to be put to Anne Gordon.

1. Was you at the wedding at High Creoch along with Mr. M'Naught?
2. Did Mr. M'Naught haſten the bridegroom and his company to come to the marriage.
3. Did not Mr. M'Naught decline from drinking with James Kirkpatrick, who carried him to Mr. M'Coſkry's door for that purpoſe?
4. Did not Mr. M'Naught, while the bridegroom and his company was drinking ſpirits at Mr. M'Coſkry's door, decline joining them, and expreſs a deſire that they would go forward to the bride at High Creoch as faſt as poſſible?
5. On return from celebrating the marriage at High Creoch, did James Kirkpatrick inſiſt on Mr. M'Naught to go to the Miln of Barley to drink ſpirits?
6. Did Mr. M'Naught refuſe to drink much there, and telling the company that he wiſhed to be away to ſee Mr. Paterſon, who was then lying on his deathbed, expreſs the deſire of being home, as he expected a ſtorm of ſnow? Did not a ſtorm of ſnow come ſuddenly on, which prevented Mr. M'Naught from going home, as he had not his ſervant along with him?
7. Did not Mr. M'Naught, after ſeeing Mr. Paterſon, being ſhown into the room where the deponent was, dine along with her and many others on a tea-dinner? Did not Mr. M'Naught converſe with the deponent upon that occaſion?
8. Did not James Kirkpatrick put ſomething into Mr. M'Naught's tea-cup?
9. Did Mr. William Bell in High Creoch dine in another room?
10. Was Mr. M'Naught drunk when he came into the roo n to dinner?
11. Who obſerved James Kirkpatrick put any thing into Mr. M'Naught's tea-cup beſide yourſelf?
12. And who obſerved William Bell in High Creoch not to dine in the room along with you and Mr. M'Naught beſide yourſelf?

30
17
21

64
30
26